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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,135	09/29/2003	Erik Monsen	F-709	2500

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Pitney Bowes Inc. Intellectual Property and Technology Law Dept. 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484	

EXAMINER
LIU, ERIC

ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
12/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/674,135

Applicant(s)

MONSEN ET AL.

Examiner

Eric Liou

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11/20/07 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

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1. Applicant argues that Schwartz only discloses one country's indicia, namely USPS indicia in Figure 7. The Examiner disagrees. Applicant provides Exhibit A as evidence to suggest that one indicium includes a two dimensional barcode and a postage amount marking. The question of whether multiple markings on a mailpiece together constitute one indicium or multiple indicia depends on how an individual chooses to define the markings. Exhibit A, provided by Applicant, defines the two dimensional barcode and postage amount marking in one particular manner (one indicium). Another individual skilled in the art could readily choose to define the distinct markings (two dimensional barcode and postage amount marking) to be two separate indicia. Schwartz teaches postage indicium 700 has a human readable portion 705 and bar-code portion 710 (Schwartz: Fig.7; paragraph 0059). Thus, the Examiner views the human readable portion 705 and bar-code portion 710 to be two separate indicia. Barcode 705 is the first country indicium (US Postage) and bar-code portion 710 is the second country indicium (Barcode 710 includes information regarding a second courier such as an international carrier, e.g. FedEx; see paragraphs 0010-011; 0061-0063; 0077).

2. Regarding paragraph 10 of the Final Rejection, Applicant submits, "The customer or mailer may not select the post office in the second country." The Examiner states, "[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Schwartz to have included a second country post office as disclosed by Schwartz because the post office is one carrier that a customer can select out of many in the competitive mail shipping industry" in paragraph 10 of the Final Rejection. In making this statement of obviousness, the Examiner notes that one skilled in the art would recognize that the second courier of Schwartz could be a second country post office because that is one type of

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courier that is readily available in the shipping industry. While Applicant's statement above may be true, it does not negate the fact that the method of Schwartz can be modified in a 103 obviousness type rejection to disclose Applicant's invention.

3. Applicant argues, "Schwartz and/or Pintsov taken separately or together do not disclose or anticipate examining the first indicia information and the second indicia information and comparing information stored in the database with the information examined to determine whether the first indicia and the second indicia affixed to examined mail are legitimate as claimed in claim 8." The Examiner respectfully disagrees. Schwartz discloses examining the first indicia information and the second indicia information (Schwartz: paragraph 0070); determining whether the first indicia, and the second indicia affixed to examined mail are legitimate (Schwartz: paragraph 0070; The Examiner notes, Schwartz discloses the step of verifying indicia (bar code 710). Schwartz does not disclose verifying human readable indicia 705 (first indicia). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Schwartz to have included verifying human readable indicia 705 for the advantage of ensuring that postal data is correct prior to mailing a mail piece.). Schwartz does not disclose storing indicia information in a database and comparing the information stored in the database with information examined to determine whether the indicia affixed to the examined mail are legitimate. Pintsov discloses storing indicia information in a database and comparing the information stored in the database with information examined to determine whether the indicia affixed to the examined mail are legitimate (Pintsov: col. 8, lines 18-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Schwartz to have

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included storing indicia information in a database and comparing the information stored in the database with information examined to determine whether the indicia affixed to the examined mail are legitimate as disclosed by Pintsov for the advantage of identifying any mail that may be fraudulent. It is the combination of Schwartz in view of Pintsov that teaches the above-mentioned limitations.

4. Regarding claim 11, Applicant argues “Sansone only discloses canceling 1 indicium, wherein applicant cancels two indicia.” The Examiner notes, Schwartz discloses the first and second indicium (Schwartz: Fig. 7, “705” and “710”; paragraph 0059). Sansone discloses canceling an indicium (Sansone: Fig. 7c; col. 7, lines 22-24). One of ordinary skill in the art would recognize that it is within the skilled artisan's ability to cancel one or multiple indicia if the indicia are no longer valid. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Schwartz to have included canceling two indicia as disclosed by Sansone for the advantage of providing a clear indicator that indicia is canceled.